

Minutes of the regular session of the City Council of West Bountiful City held on Tuesday
December 2,2008 at West Bountiful City Hall, Davis County, Utah

Those in Attendance

MEMBERS PRESENT: Mayor James Behunin, James Bruhn, Debbie McKean, Kenneth Romney, Cheryl Searle

MEMBERS EXCUSED: Valerie Shaw

STAFF PRESENT: Craig Howe (Deputy City Administrator), Matt Collier (City Engineer), Beverly Haslam (City Recorder), Jami Zigich (Secretary)

STAFF EXCUSED: Wendell Wild (City Administrator), Randy Lloyd (Police Chief)

VISITORS: DeVan Pack, Gary Hatch, Lynn J Wood, Mike Hansen, Chris Mustnia, Chris Jenson, Erik Eastman, Alan Malan, Bill Quick, BJ Harker

Called to Order:

Mayor James Behunin called this session of the West Bountiful City Council to order at 7:30pm

Mayor Behunin announced that Council member Valerie Shaw would be excused to attend another meeting and that City Administrator Wendell Wild was on vacation.

Mayor Behunin further informed that he would be offering the invocation with Valerie Shaw leading the pledge prior to her leaving.

1.
Accept Agenda

Mayor Behunin read thru the lengthy agenda with no changes

MOTION: Council member Debbie McKean made motion to accept

1 agenda moving item #12 Resolution #238-08 to 2A

2
3 SECOND: Council member Cheryl Searle seconded the motion

4
5 PASSES: Voting was unanimous in favor

6
7 2.
8 Public Comment

9
10 Mayor Behunin opened the floor for those wishing to make Public
11 Comment

12
13 Chris Jensen resident of West Bountiful and representative of Jessie's
14 Meadow Home Owners Association in a written request made
15 available to Council and Staff stated they were asking for the City to
16 look into the replacement or placement of a fence dividing the golf
17 course and Jessie's Meadow common space, which poses a safety
18 concern, especially for small children and a liability for the city.

19
20 Mayor Behunin thanked Ms Jensen for the update and stated the City
21 would look into it and would be in touch with her.

22
23 BJ Harker West Bountiful resident stood to thank the Mayor, Council
24 members, and City Staff for their help and support with issues
25 regarding the group home that was of great concern to their
26 neighborhood. Ending his comments with thanks and appreciation.

27
28 Chris Mustina and Mike Hansen residents of West Bountiful both
29 stood to express concern of the non updating of the National Register
30 Map for the Flood Zone, in concerns with insurance costs, stating they
31 had both been to the City Offices for current maps and no one really
32 knew who was responsible to make sure it was current.

33
34 Beverly Haslam City Recorder spoke on behalf of the City stating the
35 maps were updated and current and encouraged the residents to come
36 in and she would help with their questions.

37
38
39 2A
40 12
41 Resolution #238-08

42 A RESOLUTION OF THE WEST BOUNTIFUL CITY COUNCIL
43 ADJUSTING MONTHLY CULINARY WATER SERVICE

44
45 Mayor James Behunin informed Council and Staff that the finalizing

1 of the Water Bond was coming close, but there were still a couple
2 steps that need to be finalized one of which would be to finalize the
3 give a brief overview of the Water Rate Residential and Commercial
Water Rate Increase.

Mayor James Behunin asked for a motion.

MOTION: Council member Ken Romney made motion that as
proposed Resolution # 238-08. A resolution of the west Bountiful City
Council adjusting monthly culinary water service rate be adopted.

SECOND: Council member Debbie McKean second the motion.

Discussion ensued regarding the notification of the rate increase to
both the Commercial and Residential customers. Council members
agreed that a notification of explanation would be sent to all
customers.

Mayor took a Roll Call vote:

Cheryl Searle - yes
James Bruhn - no
Debbie McKean - yes
Ken Romney - yes
Valerie Shaw - excused from meeting

PASSES: Motion passes

3.
DeVan Pack
Report on
Mosquito Abat

DeVan Pack thanked the Mayor and Council for the opportunity to
give a report of what is going on with "MAD" Mosquito Abatement
Davis

Mr Pack introduced Gary Hatch who would be giving the presentation
and answering questions

1 Mr Pack gave a computer power point presentation discussing and
2 informing on the following but not limited to:

- 3 - Facts about getting West Nile Virus
- 4 - Signs and Symptoms of:
- 5 - Sentinel Chicken Surveillance
- 6 - Mosquito Surveillance
- 7 - Education Programs
- 8 - Curb and Gutter Program
- 9 - No Spray Zone
- 10 - New Challenges
- 11 - Legacy Highway
- 12 - New Subdivisions

13
14 Mayor James Behunin and Council members thanked Gary Hatch and
15 DeVan Pack for the information and update.

16
17 4.
18 Audit Report
19 Wood/Richards

20 Moving forward with the Agenda Mayor Behunin introduced Lynn
21 Richards of the firm Wood/Richards to inform the Council of findings
22 of the annual audit

23
24 Lynn Richards addressed Council stating that all was well within the
25 audit and passed a bond documented book to each Council member Mr
26 Richards referred Council to the following specific pages and issues:

- 27
- 28 page 6- Management Discussion and Analysis
- 29 page 14- Government Funds
- 30 - Capital Funds
- 31 - RDA Funds
- 32 page 16 - Revenue Expectations
- 33 page 19- Golf Course Issues
- 34 page 34- Debt
- 35 - Sales Tax Revenue Bond
- 36 - Golf Course Bond
- 37

38 Mr Lynn Richards went on to state that the only “finding of issue”
39 was on page 57 , there was no found shut off collection policy with the
40 State Tax Commission

41
42 Mr Richards concluded his remarks with praise to Mr Craig Howe and
43 City Staff of excellent work ,and remarkable to work with.

44
45 5.

1 Review and Approve
2 By-Laws of the
3 West Bountiful Arts Council
4

5 Mayor James Behunin stated that the Arts Council and members are
6 appointed positions governing themselves, and copies of the By-Laws
7 had been included in Council member packets for information only.
8 The Mayor went onto state that the overall consensus of the City was
9 they like what the Arts Council is doing.

10
11 Mayor Behunin asked Eric Eastman member of the Arts Council
12 representing Diane Smith Chairman of Arts Council to please speak
13 to the Council briefly.

14
15 Eric Eastman member of the Arts Council stated that the Council
16 works very hard and that it was paying off because not only are
17 residents of West Bountiful enjoying the benefits but residents of other
18 Cities are coming to enjoy concerts and presentations
19

20 Mr Eastman concluded his remarks stating that the media, mostly the
21 Clipper was giving very positive feed back on behalf of the Council
22
23

24 6.
25 Engineer Report

26 Craig Howe Deputy City Administrator started agenda item #6
27 Engineer Report, with point of clarification stating that at last meeting
28 in budget reporting he had stated that the Engineering Budget was over
29 budget, with research and clarification he would like Council members
30 and Staff to be made aware that the Engineering Budget was not over
31 budget.
32

33 Matt Collier Engineer for CRS Engineering, engineering firm
34 representing West Bountiful City handed to Council members and City
35 Staff copies of the Engineering Budget Report.
36

37 Matt Collier discussed the following items but not limited too:

38 - Cost Breakdown - including

39 General Issues, Roads, Storm Drain, Water ,Parks,Development

40 -Special Projects

41 Porter Lane waterline, 500 South Waterline, Capital Facilities
42 Plan, 400 North Trail head
43

44 Discussion ensued amongst Mr Collier, City Staff and Council
45 members regarding the procedures and protocols of the 500 South

1 Waterline Project, and the involvement of UDOT with the project.
2 Matt Collier stated that the City always had the option to walk away
3 from the process if they did not like the involvement.
4

5 Mayor James Behunin drew the discussion to close stating his
6 appreciation for Matt Colliers willingness to always take on projects
7 given at staff meeting, and thanking Paul Hurst for his involvement in
8 the Holly Project
9

10
11 7.
12 Consider UDOT Agreement
13 for 1st Phase of the
14 500 South Water Project
15

16 Discussion amongst Council members and City Staff ensued regarding
17 issues pursuant to the 500 South Waterline Project and UDOT's
18 involvement The following issues were discussed but not limited to:
19

- 20 - Council member James Bruhn brought concerns of reprocutions of
21 the Water Bond
22 - Time line discussion of the project
23 - 50% cost reduction with partnership with UDOT.
24

25 MOTION: Debbie McKean of Council made motion to accept the
26 Betterment Agreement Review STO-0068 (16) 68, Davis County 500
27 South: 1100 West to I-15, West Bountiful, West Bountiful City CID
28 51019 PIN 4178, making sure the Agreement would come back
29 before Council if the estimates for the City exceeded \$250,000.00
30

31 SECOND: Motion was seconded by Council member Cheryl Searle
32

33 PASSES: Motion passes unanimously
34

35 8.
36 Appointment of
37 Planning Commission Chairman
38

39 Mayor James Behunin was recommended to Council that James
40 Ahlstrom be appointed to the Planning Commission for a second 4
41 year term; as Mr Ahlstrom serving as chair was instrumental in the
42 forth coming by laws of the Planning Commission.
43

44 Council member Debbie McKean asked for clarification of the
45 appointment, stating if by laws were not finished, is appointment for

1 chairman or for four year term.

2
3 MOTION: Council member James Bruhn made motion to appoint
4 James Ahlstrom to a 4 year term serving on the Planning Commission
5 with a one year term as Chair.

6
7 SECOND: Ken Romney of Council seconded the motion

8
9 PASSES: voting was unanimous in favor.

10
11 9.
12 Consider Contract Amendment
13 for fee increase for
14 CRS Engineering

15
16
17 Deputy City Administrator Craig Howe addressed agenda item stating
18 that his recommendation to Council would be to approve the Contract
19 fee increase for CRS Engineering as the increase represented the 3.3%
20 COLA

21
22 Paul Hurst President of CRS Engineering stood before Council to
23 address questions or concerns.

24
25 Concerns addressed with Council members and staff included but were
26 not limited too:

27 - mileage issue, noting that most mileage was never accrued this past
28 year.

29 -the contract being 3 years but both parties were protected by the 30
30 day termination clause.

31
32 MOTION: James Bruhn of Council made motion to renew the
33 contract of Caldwell, Richards, Sorensen Engineering firm
34 representation to West Bountiful City for a 1 year term.

35
36 SECOND: Council member Ken Romney seconded the motion.

37
38 Discussion then ensued amongst Council members regarding

39 - termination clause in contract

40 - non-funding of projects

41 - that the year evaluation would include expectation and
42 scheduled meetings.

43
44 PASSES: Mayor Behunin called for a vote, with the motion passing
45 unanimously

1
2 10.
3 Review of Canvass
4 of Vote
5 (November 4,2008 election)
6

7 A brief discussion ensued amongst Council members and Staff
8 regarding the Canvass of Votes, the education of the public on issues
9 being voted on.
10

11 MOTION: Council member Debbie McKean made motion to accept
12 the Canvassing of the votes of the November 4,2008 election results,
13 with the information provided by Davis County
14

15 SECOND: James Bruhn of Council seconded the motion
16

17 PASSES: Voting was unanimous
18

19 11.
20 Ordinance #306-08
21

22 AN ORDINANCE IMPOSING A ONE - TENTH OF ONE
23 PERCENT (0.10%) LOCAL SALES AND USE TAX ON
24 QUALIFYING TAXABLE TRANSACTIONS WITHIN WEST
25 BOUNTIFUL CITY TO FUND RECREATIONAL AND
26 CULTURAL FACILITIES AND ORGANIZATIONS ("RAP TAX")
27 AND ADOPTING TITLE 3.10 OF THE WEST BOUNTIFUL CITY
28 MUNICIPAL CODE PROVIDING FOR THE IMPOSITION,
29 COLLECTION AND DISTRIBUTION OF THE RAP TAX
30

31 MOTION: Council member Debbie McKean made motion that
32 ordinance #306 -08 An ordinance imposing a one-tenth of one percent
33 (0.10%) local sales and use tax on qualifying taxable transactions
34 within West Bountiful City to fund recreational and cultural facilities
35 and organizations ("RAP TAX") and adopting title 3.10 of the West
36 Bountiful City municipal code providing for the imposition, collection
37 and distribution of the rap tax be accepted.
38

39 SECOND: Cheryl Searle of Council seconded the motion
40

41 PASSES: voting was unanimous in favor
42
43
44
45

1 12.
2 Resolution #238-08
3

4 Agenda item moved to 2A
5
6

7 13.
8 Consider Amendment to the
9 West Bountiful City Personnel Policy
10 addressing the COBRA Provision
11
12

13 Deputy City Administrator Craig Howe explained the Amendment
14 being considered stating that the update to the Cobra Provision was
15 very generous but was still within all state guidelines.
16

17 A brief discussion then ensued amongst Council and City Staff
18 regarding Health Plans, Retirement plans, and the length of benefits
19 after retirement.
20

21 MOTION: Council member Debbie McKean made motion to accept
22 Amendment to West Bountiful City Employee Policy and Procedure
23 Manual Section 4 Paragraph F
24

25 SECOND: Council member Ken Romney seconded the motion
26

27 PASSES: Voting was unanimous
28

29 14.
30 Planning and Zoning
31 Report
32

33 Agenda item combined with Agenda Item #15
34
35

36 15.
37 Deputy Administrator
38 Report
39

40 Deputy City Administrator Craig Howe reported and discussed the
41 following:

42 - after applying for the Community Block Grant the city did not
43 qualify and were not awarded the grant
44 - re-appointed Chairman of the planning commission James Ahlstrom
45 will continue to work closely on the South West Corridor, and the

1 issues involving the Auto Auction business
2 - discussion is on going regarding Legacy Trails upkeep and who will
3 do what, Coalition of Cities and towns are working together to resolve
4 issues.
5

6
7 16.
8 Mayor/ City Council
9 Reports
10

11 Mayor James Behunin reported and discussed
12

13 - city staff meetings would now be organized by subject and minutes
14 would be taken
15 - city holiday party suggestions, suggesting some kind of sit down
16 dinner away from the city offices.
17

18 Council member James Bruhn reported and discussed:
19

20 - expressed concerns regarding water rates, impact fees, and the city
21 well use, and the expiration of water rights.
22

23 Deputy City Administrator Craig Howe made a commitment to
24 Council member James Bruhn that together they could sit down and
25 start working thru his concerns and issues.
26

27 Council member Debbie McKean reported and discussed:

28 - distributed a current key list for the City Hall and suggested that a
29 little tighter security practice be observed
30 - reminder of Monday December 8,2008 Santa Claus would be coming
31 to town and a help wanted list was being distributed
32 -informed council that the Beatty family has a complete miniature golf
33 course and would like to donate it to the City and get it off their
34 property
35

36 Council member Ken Romney had nothing to report
37

38 Council member Cheryl Searle had nothing to report
39

40 Council member Valerie Shaw was excused from the meeting.
41
42
43
44
45

17.
Approval of
Minutes

Agenda item skipped

18.
Adjournment

MOTION: Council member Ken Romney made motion to adjourn this session of City Council meeting

SECOND: Council member James Bruhn seconded the motion

PASSES: Voting was unanimous in favor

Session adjourned at 10:05pm

MAYOR JAMES BEHUNIN

BEVERLY HASLAM (CITY RECORDER)

JAMI ZIGICH (SECRETARY)